

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TANIELLE SHIRNEY,

PLAINTIFF

vs.

SCOTT'S ECONO INN INC  
SCOTT'S SPLASH LAGOON, INC

No. CA 05-196 Erie

SEAN PIERCE, INDIVIDUALLY AND  
IN HIS CAPACITY AS A TROOPER  
OF THE PENNSYLVANIA STATE POLICE

JOHN DOE, INDIVIDUALLY AND IN  
HIS CAPACITY AS THE SUPERVISOR  
OF TROOPER SEAN PIERCE

DEFENDANTS

ON BEHALF OF TANIELLE SHURNEY PLAINTIFF

A.J. ADAMS, Esq.  
ATTORNEY FOR PLAINTIFF  
602 West 9th. Street  
Erie, Pa. 16502  
814-456-3681  
Pa. # 34345

CLERK  
U.S. DISTRICT COURT  
Erie, Pa.

06 APR 25 2017

FILED  
CLERK  
U.S. DISTRICT COURT  
Erie, Pa.

**PROPOSED FINDINGS OF FACT**

1. Officer Jon Hurley of the Streetsboro Ohio Police Department was the first recipient of the complaint filed by Tonya Traylor, the alleged victim of the debit number theft.
2. Officer Hurley learned that Lisa Chapman used the number prior to June 30, 2004.
3. Officer Hurley ended his investigation of Lisa Chapman when Ms. Traylor was reimbursed by Splash Lagoon/Econolodge.
4. Tracey Smith utilized the number for purchases other than Splash Lagoon.
5. Officer Hurley never investigated Tracey Smith.
6. Officer Hurley conducted no further investigation of this case after he referred the matter to the Pa. State Police.(hereinafter PSP)
7. Officer Hurley did not tell the PSP to arrest the Plaintiff.
8. Officer Hurley had no evidence that the Plaintiff used the debit card number.
9. On June 30, 2004, Ms. Traylor filed a written statement that Tracey Smith and Lisa Chapman used the number and provided their respective addresses.
10. Officer Hurley provided PSP with his investigative file on the day of the Plaintiff's arrest prior to her preliminary arraignment.
11. Ms. Traylor notified Splash Lagoon on June 30, 2004 regarding the theft.
12. Ms Traylor indicated that Lisa Chapman used the number and cancelled the reservation on July 2, 2004.
13. Splash Lagoon compensated her for the loss.
14. Ms. Traylor was never contacted by PSP at any time regarding this case.
15. The reservation center has no caller ID.
16. The reservation was made for the Plaintiff utilizing her home address.
17. The person who made the reservation for the Plaintiff indicated that her phone number was 216-323-6004.
18. The reservation center averages 1,000 telephone calls per day.
19. Tracey Smith was the person who made the reservation for the Plaintiff and provided an account number.
20. There was no need to confirm this reservation since the account number used is immediately debited.
21. It was not unusual for someone to have a reservation placed in their name

but have it paid for by a third party's credit/debit card.

22. No one at the reservation center can identify the Plaintiff by voice.
23. The manager of the reservation center admitted that if Plaintiff's counsel would have attempted to make a reservation with a stolen credit/debit number that he would have been told that the card was stolen.
24. The manager admitted that she lied to a person who identified herself as the Plaintiff that she could check-in at noon and pick-up her waterpark passes even though the reservation had been cancelled.
25. The reservation center system does not have the capacity to obtain the name of the cardholder when the number is entered into their system.
26. The manager never informed PSP that the reservation was made by Tracey Smith and that Lisa Chapman utilized the number as well even though the manager knew that the Plaintiff was going to be arrested despite being present at the time.
27. Defendant Pierce conducted no investigation prior to arresting the Plaintiff.
28. Defendant Pierce failed to consider a wealth of exculpatory evidence prior to filing the criminal complaint in this case.
29. There were no exigent circumstances regarding the arrest since the Plaintiff provided appropriate identification, had no prior record, there were no outstanding warrants and the amount of the alleged loss was less than \$200.00.
30. The Plaintiff was lodged in the Erie County Prison for 7 days because of this arrest.
31. District Judge James Dwyer dismissed all of the charges against the Plaintiff due to a lack of probable cause.
32. The Plaintiff continually indicated that she never made any calls regarding the reservation nor was present at the time when the reservation was made.
33. The Plaintiff waived her Miranda rights and indicated to Defendant Pierce that her cousin, Tracey Smith made the reservation in part because Ms. Smith's daughter was to accompany the Plaintiff.
34. At that time, the Plaintiff also provided Tracey Smith's address.

From the outset, The Court has indicated that liability would be based upon the Issue of probable cause.

The affidavit filed in the instant case states :" The accused did try to use a stolen credit card\*\*\*\*to gain accommodations at the Econolodge located at\*\*\*\*\*. The accused then Went to the Econolodge on 7/03/04 and signed for the room under the name Shurney, Tanielle attempting to pay for the room using a credit card that did not belong to her."

In order to obtain the arrest warrant in this case, Pierce was required to swear an Oath that the facts contained in the affidavit were true. None of those allegations were True. Consequently, an immunity defense is not available. *Malley v. Briggs* 106 S.Ct. 1092 (1986).

Pierce's false and misleading statements establishes a claim for malicious prosecution Under Section 1983 since the Plaintiff's charges were dismissed for lack of probable Cause. Since it is apparent from the record established that the Plaintiff was innocent of Any wrongdoing, Pierce's failure to conduct a "reasonably thorough investigation" Prior to making the arrest provides a second basis for denying his claim of qualified Immunity. *Kuehl v. Burtis* 173 F.3d 646 (8<sup>th</sup> Cir. 1999); *C.F. Gardenhire v. Schubert* 205 F.3<sup>rd</sup> 303 (6<sup>th</sup> Cir. 2000); *Baptiste v. J. C. Penney Co.* 147 F.3<sup>rd</sup> 1252 (10<sup>th</sup> Cir. 1998).

Pierce is subject to a claim for false arrest since his conduct "purported to act For the purpose of securing the administration of the law without actual legal Justification." *Gagliari v. Lynn*, 285 A.2d 109, 111 (Pa. 1971). "One who confines Another, while purporting to act by authority of law which does not in fact exist, Makes a false arrest and must respond in damages. *Id.* At 285 A.2d 111; *C.F.*

Lynch v. Johnson, 463 A.2d 87,89 (Pa. Comm.1983); Cassidy v Abington Township 571 A.2d 543,544 (Pa. Comm. 1990).

Pierce is subject to a claim of false imprisonment since the Plaintiff was incarcerated for A week prior to the dismissal of her charges for lack of probable cause. Renk v. City of Pittsburgh, 641 A.2d 289,293 (Pa. 1994).

The Plaintiff's incarceration is a "special injury" for purposes of her malicious Prosecution claim. Lynch v. Johnson, 463 A.2d 87,89(pa. Comm. 1983).

The malice requirement for purposes of the malicious prosecution claim can be inferred from the lack of probable cause. Lippay v. Christos, 996 F.2d 1490, 1502 (3<sup>rd</sup>. Cir. 1993).

There were no exigent circumstances regarding the arrest of the Plaintiff since She provided significant identification. Further, Pierce knew before drafting the Criminal complaint that she had no prior record, had no outstanding warrants And the amount of loss to the Defendants was less than \$200.00. Also, Plaintiff Provided Pierce with the name and address of the person who made the reservation That being the same person who Econolodge believed made the reservation.

Pierce not only failed to make an appropriate investigation, he conducted no investigation prior to arresting her in front of her children and friends.

Pierce failed to take into account the wealth of exculpatory evidence that he Had, or should have had in his possession prior to making the arrest.

Officer Jon Hurley of the Stateboro Police Department specifically indicated That he did not want to have the Plaintiff arrested but merely investigated as to Her possible role in the use of the allegedly stolen number.

Regarding the liability of the remaining Defendants, Patty Purchase, as manager of The reservation center for both corporations, testified that she fully participated in the Arrest of the Plaintiff. She admittedly lied in an alleged phone call to someone who Identified herself as the Plaintiff by saying on the day before the arrest that the reservation was valid and that the caller should appear the next day at noon. Ms. Purchase Knew from her own contacts with the owner of the debit card that the subject Reservation was cancelled. She further failed to tell the caller that the cancelled Reservation was allegedly made with a stolen debit card number. She also failed to notify The person whose telephone number was used in making the reservation of that alleged Fact.

Ms. Purchase also failed to notify Pierce that Tracey Smith made the reservation and That Lisa Chapman used the number to obtain other goods and services. By failing to Provide Pierce with this exculpatory evidence, she contributed to Pierce's decision To arrest the Plaintiff on cite. She further failed to indicate to Pierce that third parties Frequently make reservations for visitors at the Defendants' venues.

As indicated in prior pleadings, the law is abundantly clear: "However, as to many Employments, there is an implied authority to do all things that may be proper and Necessary for the protection of the master's property, and it has been held that where a Servant has reason to believe that property has actually been stolen and that the property Could be recovered by taking the supposed thief into custody, and the evidence showed Beyond question that the servant's objective in procuring the arrest of the Plaintiff was Not to vindicate public justice, but to recover the property or charges due thereon, the

Servant is acting within the scope of employment and the limits of implied authority  
And the master is liable, HOWEVER ERRONEOUS, MISTAKEN OR MALICIOUS  
THE ACT MAY BE. (emphasis added) 32 Am Jur 2d Section 50 p.89-90 with  
Annotations.

The reservation system utilized by the subject corporations also contributes to  
Their liability. Despite the fact that the center receives approximately 1,000 calls  
Per day, the system has no way of verifying the name on the account number pro-  
Vided during the telephone reservation. The system does not have a way to verify  
The telephone number being used to make the reservation nor are the conversations  
Recorded.

Noone at the center knew or could recognize the voices of Tracey Smith or  
Tanielle Shurney. Further, there is no circumstantial evidence that would render  
Any of the alleged phone calls admissible. It should be noted that the Plaintiff  
Testified that she did not make any calls or witnessed any calls regarding the  
Reservation.

From the outset, Plaintiff's counsel has indicated that Ms. Shurney was a truly  
Innocent person who was arrested in this case solely because she was black.  
Nothing in the Defendants' summary judgment filings indicate otherwise.  
Her victimization continued throughout her deposition. The recent murder of  
Her son was deemed irrelevant to the proceeding.

The Attorney General intimated her belief that the Plaintiff had committed  
Perjury. To counter the Defendants' theory that Tracey Smith was not a real  
Person and that this name was chosen because she shared the same initials, the

Plaintiff provided a description of Ms Smith, her family background, the names of her Children and where and when she graduated from high school.

It is the Plaintiff that should be granted summary judgment against all of the Defendants together with an apology and appropriate damages.

Respectfully Submitted,



A.J. Adams

Attorney for Plaintiff

7 TANIELLE SHURNEY )  
8 Plaintiff ) DEPOSITION  
9 VS. ) OF  
10 SCOTT'S ECONO INN, INC., ET AL. ) JON HURLEY  
11 Defendants )

13 DEPOSITION taken before me, Jodie L. Algarin, a  
14 Notary Public within and for the State of Ohio, on the  
15 11th Day of January, 2006, pursuant to Notice and  
16 Subpoena and at the time and place therein specified, to  
17 be used pursuant to the Rules of Civil Procedure or by  
18 agreement of counsel in the aforesaid cause of action,  
19 pending in the United States District Court for the  
20 Western District of Pennsylvania.

**COPY**

NAGY-BAKER COURT REPORTING, INC.  
(330) 746-7479  
1-800-964-3376

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2 APPEARANCES

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4

On Behalf of Plaintiff:

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A.J. Adams, Attorney at Law  
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Erie, Pennsylvania 16502

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On Behalf of Defendant, Scott's Econo  
Inn, Inc.:

9

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Gerald J. Hutton, Attorney at Law  
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One PPG Place  
Suite 2910  
Pittsburgh, Pennsylvania 15222-5409

11

12

On Behalf of Defendant, Scott's Splash  
Lagoon, Inc.:

13

14

Gary D. Bax, Attorney at Law  
900 State Street  
Suite 202  
Erie, Pennsylvania 16501

15

16

On Behalf of Defendant, Sean Pierce:

17

18

Susan H. Malone, Attorney at Law  
Office of Attorney General  
Commonwealth of Pennsylvania  
Director of Western Region  
6th Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, Pennsylvania 15219

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1 some individuals that I'm noting in here -- did you  
2 conduct an investigation with regard to the persons who  
3 were listed as using the credit card, one Lisa Chapman?

4 A We did as much looking into it as we  
5 could with the information that we had. Had a name.  
6 There was only so much follow-up with that, and then  
7 subsequently we heard from Tonya Traylor, and she gave me  
8 the information for Patty Purchase, and we went with that  
9 lead first.

10 Q Okay. Well, what was the sum total of  
11 your investigation regarding Lisa Chapman?

12 A Lisa Chapman?

13 Q Yes.

14 A Contacted Tonya Traylor to see if  
15 she -- if that name was familiar to her, and she said no,  
16 it was not familiar to her.

17 Q Okay. I didn't mean to interrupt. I  
18 note from her written statement that she already  
19 indicated the fact that she did not know who Lisa  
20 Chapman was.

21 A Right. I wanted to confirm that she  
22 didn't know any names, Lisa Chapman or Tonya Traylor --  
23 I'm sorry, Tanielle Shurney.

24 Q Is it safe to say, then, you took the  
25 written statement from Ms. Traylor and then asked her

1       questions after you immediately read that statement?

2       A                    Correct.

3       Q                    And one of those questions was, did you  
4       know Lisa Champman?

5       A                    Correct.

6       Q                    So after you found out she didn't know  
7       Lisa Champman, what steps did you take to investigate  
8       Lisa Champman's use of this card?

9       A                    The information that we had on Lisa  
10      Champman -- we had an address for her, okay, and once we  
11      confirmed the address basically through the phone book  
12      and crisscross book that we have, before we were able to  
13      initiate speaking with this person, that's when Tonya  
14      Traylor advised me of speaking with Patty Purchase and  
15      that the person was going to come and fill the  
16      reservation at the hotel. And then at that point we went  
17      with that lead first.

18      Q                    And what name did you know to be  
19      associated with the reservation at the hotel?

20      A                    Tanielle Shurney.

21      Q                    How did you get that information?

22      A                    From Tonya Traylor.

23      Q                    And is it your understanding that Tonya  
24      Traylor got that from Ms. Purchase?

25      A                    I don't know where she got that from.

1 I don't know where she got that from.

2 Q Okay. So now once you found out that  
3 for whatever reason Tanielle Shurney's name was on this  
4 reservation, what else did you do regarding Lisa  
5 Chapman?

6 A Nothing.

7 Q Is it safe to say that other than  
8 checking her name in the crisscross directory and her  
9 address, that that concluded the investigation?

10 A Correct, because our victim, Tonya  
11 Traylor, got compensation for her, so as far as -- our  
12 investigation was done; the case was over.

13 Q Okay.

14 A From our end.

15 Q And noting that you looked in the local  
16 directory, I'm assuming Lisa Chapman is someone within  
17 your police department's jurisdiction?

18 A No, she's not in our police department  
19 jurisdiction.

20 Q She's within the Ohio State Police  
21 jurisdiction?

22 A Correct. Cleveland, Ohio.

23 Q Did you make a referral to the Ohio  
24 State Police so they could conduct an investigation  
25 regarding Lisa Chapman?

1 A No.

2 Q Is it safe to say that there's no  
3 ongoing investigations of Lisa Champman regarding this  
4 incident?

5 A Not from Streetsboro's end.

6 Q And do you know of any other police or  
7 agency that is investigating Lisa Champman with regard to  
8 this particular situation?

9 A I don't know the answer to that.

10 Q Is it safe to say that your  
11 investigation regarding Lisa Champman ended when Tonya  
12 Traylor was compensated for her loss regarding the car?

13 A Correct.

14 Q Now, was this a credit card or a debit  
15 card?

16 A I believe she said it was a credit/bank  
17 card, like a checking card.

18 Q Okay. And did she show you the  
19 statement that reflected the use of the credit card or  
20 whatever it was for purposes of the direct marketing  
21 purchases and the Splash Lagoon purchase?

22 A No.

23 Q So you never saw any documentation  
24 regarding the transaction; is that a safe statement?

25 A Yes.

1 Q Okay. Now, you also learned from Tonya  
2 Traylor that she did not know Tanielle Shurney; correct?

3 A Correct.

4 Q Now, what do you know of Tanielle  
5 Shurney as of today's date?

6 A I don't know -- other than what the  
7 Pennsylvania State Police report reflects.

8 Q Okay. Did you, when you heard the name  
9 Tanielle Shurney, run what we call in Pennsylvania an  
10 NCIC to determine whether or not she has any prior  
11 involvement in the criminal justice system?

12 A No, we didn't.

13 Q Did you conduct any sort of  
14 investigation regarding Tanielle Shurney at all?

15 A No.

16 Q Did you hear of any other names  
17 associated with the reservation other than Tanielle  
18 Shurney's?

19 A I believe there was a Tracy Smith is  
20 the other name that Tonya Traylor said was showing up on  
21 whenever she was calling the places that had made -- that  
22 were entries on her account that she was not familiar  
23 with; the people she spoke with, that name came up.

24 Q Okay.

25 A Again, I don't know who gave that name.

1 That's just what Tonya Traylor gave.

2 Q I never mean to cut you off. I  
3 apologize if I do.

4 A Sure.

5 Q How many references was Tracy Smith's  
6 name on the Tonya Traylor card? How many references; do  
7 you know?

8 A No, I don't.

9 Q I see here in Tonya Traylor's statement  
10 that the only indications of the use of the card involve  
11 Lisa Champman.

12 A Okay.

13 Q Is there another part of her statement  
14 that shows that, in fact, Tracy Smith used the card for  
15 other purchases?

16 A Not in her statement.

17 Q Okay. What information do you have  
18 that led you to conclude that Tracy Smith had used the  
19 card for something other than the Splash Lagoon  
20 reservation?

21 A The Tracy Smith entry in our names  
22 section of my report came because it showed up on the  
23 Pennsylvania State Police report. From their end of the  
24 investigation that name came up, so I placed it in my  
25 name section of my report.

1 Q I see. So when the state police in  
2 Pennsylvania started their part of the investigation, the  
3 name Tracy Smith somehow came up; and as a result of that  
4 as a courtesy to your department, they faxed you that  
5 name?

6 A Correct.

7 Q And as a result of you getting her name  
8 faxed to you, did you conduct an investigation regarding  
9 Tracy Smith?

10 A No.

11 Q Did you run an NCIC involving Tracy  
12 Smith?

13 A No.

14 Q Did you do anything involving Tracy  
15 Smith?

16 A No.

17 Q After you referred this matter to the  
18 Pennsylvania State Police, did you do anything else at  
19 all?

20 A No.

21 Q When the arrest of Ms. Shurney was  
22 made -- and for your information it was in the parking  
23 lot of this hotel -- were you subsequently contacted via  
24 telephone or other means during the course of the arrest?

25 A Yes.

1 Q And when were you contacted?

2 A I don't know the exact time we were  
3 contacted. The dispatcher was contacted stating that  
4 they had Tanielle Shurney and they needed the victim of  
5 this report, Tonya Traylor. They needed her information,  
6 so we faxed her information, which shows on the teletype  
7 to the Pennsylvania State Police.

8 Q And that would be -- we don't need to  
9 see it. Obviously her demographic information --

10 A Address.

11 Q -- and the credit card number, things  
12 of that nature?

13 A Correct.

14 Q So you did not indicate to the state  
15 police that they should, in fact, arrest Ms. Shurney?

16 A No.

17 Q You just -- what exactly did you ask  
18 the Pennsylvania State Police to do vis-a-vis Ms.  
19 Shurney?

20 A You're welcome to read the teletype.

21 Q Why don't you just read it into the  
22 record, because we'll all get copies of the transcript.

23 A Okay. A representative from Scott  
24 Enterprises will contact you when the suspect arrives.  
25 Can you go to Econo Lodge and identify the suspect and

1 to release what information?

2 A The address of the victim, and I don't  
3 know that Trooper Pierce -- I don't know who contacted  
4 the dispatcher.

5 Q Okay. Somebody from Pennsylvania State  
6 Police?

7 A I would imagine so, yes.

8 Q Have you done anything else after the  
9 time your dispatcher contacted you regarding this  
10 investigation at all?

11 A After we received the initial contact,  
12 I came into work and was contacted -- it could have  
13 been -- I believe that was the second officer, maybe  
14 Gilson, Trooper Gilson. Basically they were stating that  
15 they had this Tanielle Shurney in custody, and they also  
16 requested a copy of my report faxed to them at the same  
17 time. I asked if they could fax a copy of their report  
18 to me, and that was the end of our contact.

19 Q Okay. And that was basically your end  
20 with regard to this investigation in total?

21 A Correct.

22 Q So none of the other uses of the card  
23 or no other subsequent investigations were maintained by  
24 you or this police department after you received that  
25 teletype information from the Pennsylvania State Police?

1 case was completed. There was no further follow-up  
2 needed.

3 Q So you believe that it was one person  
4 that was responsible for all the usages of the credit  
5 card?

6 A Like I said, when we requested just --  
7 we never even got the complete identification of the  
8 person going down to Erie, Pennsylvania, for the  
9 reservation. I just needed the information sent here. I  
10 mean, subsequently it was in the police report from the  
11 state police. Once they found that they had the suspect  
12 in custody, you know, wanted to see what the proceeding  
13 from that outcome of that before we proceeded any  
14 further, if needed.

15 Q It's safe to say you yourself or  
16 members of your police department have no evidence  
17 linking Ms. Shurney to the use of the card other than the  
18 fact that she showed up and signed her name for the  
19 reservation?

20 A The only thing we have is our victim's  
21 statement coming to the police station saying that that's  
22 the name that was showing up on the card and that's the  
23 reservation that Patty Purchase said was going to be  
24 fulfilled.

25 Q Just a few closing questions then. Do

1 forward the information to Officer Hurley, Streetsboro  
2 Police Department.

3 Q Okay. And then when Ms. Shurney  
4 checked into the hotel, she was stopped by the trooper;  
5 and then you were contacted by the trooper, and that  
6 would be Trooper Pierce?

7 A That's my understanding.

8 Q Okay. Do you recall the mode of  
9 communication? Was it a telephone call?

10 A I wasn't at work yet.

11 Q Okay. How, in fact, were you contacted  
12 then?

13 A My dispatcher contacted me by phone at  
14 home saying, I believe, it was Trooper Pierce who  
15 contacted her, and the dispatcher was just wanting to  
16 know what our end was. And I said, yes, go ahead and  
17 send her -- send state police Tonya Traylor's  
18 information. There's no problem with that.

19 Q The dispatcher then, you believe, would  
20 have received a telephone call as opposed to a teletype?

21 A Right. If there was a teletype, it  
22 would have been in the report.

23 Q Okay. So then to the best of your  
24 knowledge, Trooper Pierce contacts your dispatcher who  
25 calls you at home, and then you authorize your dispatcher

1 you recall having any contact with anyone named Kristen  
2 Mooney at Splash Lagoon?

3 A That does not sound familiar.

4 Q Sandy Calabris, C-A-L-A-B-R-I-S?

5 A Again, doesn't sound familiar.

6 Q Jeffrey Mona, M-O-N-A?

7 A Doesn't sound familiar.

8 Q And any other contacts with Trooper  
9 Pierce other than what you've testified about?

10 A No, I don't believe so.

11 MR. ADAMS: Okay. Thank you very  
12 much. I have no further questions, Officer Hurley.

13 EXAMINATION:

14 BY MR. HUTTON

15 Q My name is Gary Hutton. I represent  
16 Scott's Econo Lodge. As I understand your testimony,  
17 this matter came to your attention when credit card  
18 check -- the card holder came to the Streetsboro Police  
19 Department to file a complaint that her card had been  
20 improperly accessed and was being used; is that correct?

21 A Correct.

22 Q And when she told you that, Ms. Taylor  
23 told you that she had made inquiry and she had found at  
24 least four uses of the card; is that correct?

25 A Correct.

**Streetsboro Police Department**

2080 SR 303 330-626-4976

**Uniform Incident / Offense Report****Incident Number****04-02502**

In Progress NO	Method Received <b>IN PERSON</b>	Time Received <b>2033</b>	Time Dispatched <b>2040</b>	Time Arrived <b>2050</b>	Time Cleared <b>2116</b>
Report Date / Time Date <b>06/30/2004</b>		Incident Occurred From Date <b>06/29/2004</b>		Incident Occurred To Date <b>06/29/2004</b>	
Time <b>2050</b> Time <b>0000</b> Time <b>0000</b>					
Location of the Incident (Street #, Street, Apt. #, City, State, Zip) <b>10039 DELORES STREETSBORO OH 44241 -</b>					
Persons: <b>TONYA Y TRAYLOR - VIC</b> Involved: <b>TANIELLE L SHURNEY - SUS</b> <b>4 TRACY SMITH - SUS</b> <b>LISA CHAMPMAN - SUS</b>			Property: <b>CREDIT CARD CHARGES</b> 1 Amount: <b>0.00</b>		
Units: 1st: 2nd: 3rd: 4th: 5th: Report:	Officers: <b>PTL JON HURLEY M</b> <b>PTL TROY BEAVER W</b>	Officers:			
<b>538</b>	<b>PTL JON HURLEY M</b>	Photos: <b>0</b>	Arrests: <b>0</b>		
Codes: <b>2699</b>	Descriptions: <b>FRAUD (FREE TEXT)</b>	OFFENSES			
Weapons Used: <b>NO WEAPON USED</b>			Trade Marks:	Hate Bias <b>NO</b>	
Entry:	Location Type: <b>Apartment Building</b>				
Refer to Arrest:	Incident #:	Tow#:	Dispatcher: <b>593</b>	Officer in Charge: <b>509</b>	Entry Id: <b>593</b>
Case Status: <b>Refer To Other Agency</b>	Cleared Date: <b>07/17/2004</b>		Cleared By: <b>507</b>		
Narrative: <b>04-02502</b> Page: <b>1</b>					
The victim came to the Streetsboro Police Department to report someone using her bank/credit card. The victim filled out a statement. Officers took the report and will begin the follow up on any leads and suspects.					
Reviewing Supervisor:	Bureau Supervisor:			Officer:	

**Streetsboro Police Department**

Incident Number

*Persons Involved with Incident*

Page #

1

**04-02502**

Incident #: Master Number: Relation: Arrest #: Date of Contact:  
 0402502 001 VICTIM 06/30/2004

Last Name: First Name: Mi: Til: DOB: SSN: Cell Phone: Pager:  
 TRAYLOR TONYA Y 07/21/1967 279721113

Street #: Street Name: Apt: City: St: Zip: Phone: Employee Phone:  
 10039 DELORES OH 44241 330-422-0141

Hgt: Wgt: Hair: Eyes: Race: Sex: Physical Marks:  
 503 160 BLK BRO B F

Offenses: 2699 FRAUD (FREE TEXT)

Resident Class: Suspected of using: Victim Type:  
 / / Individual

Incident #: Master Number: Relation: Arrest #: Date of Contact:  
 0402502 002 SUSPECT 06/29/2004

Last Name: First Name: Mi: Til: DOB: SSN: Cell Phone: Pager:  
 SHURNEY TANIELLE L 04/12/1972 277726839

Street #: Street Name: Apt: City: St: Zip: Phone: Employee Phone:  
 12626 BRACKLAND UP CLEVELAND OH 44108 216-323-6004

Hgt: Wgt: Hair: Eyes: Race: Sex: Physical Marks:  
 B F

Offenses: 2699 FRAUD (FREE TEXT)

Resident Class: Suspected of using: Victim Type:  
 / /

Incident #: Master Number: Relation: Arrest #: Date of Contact:  
 0402502 003 SUSPECT 06/30/2004

Last Name: First Name: Mi: Til: DOB: SSN: Cell Phone: Pager:  
 SMITH TRACY / /

Street #: Street Name: Apt: City: St: Zip: Phone: Employee Phone:  
 2117 EAST 7TH ST CLEVELAND OH 44106

Hgt: Wgt: Hair: Eyes: Race: Sex: Physical Marks:

Offenses: 2699 FRAUD (FREE TEXT)

Resident Class: Suspected of using: Victim Type:  
 / /

Reviewing Supervisor:

Bureau Supervisor:

Officer:

## Streetsboro Police Department

Incident Number

## Persons Involved with Incident

Page #

2

04-02502

Incident #:	Master Number:	Relation:	Arrest #:	Date of Contact:	
0402502	004	SUSPECT		06/29/2004	
Last Name:	First Name:	Mi: Til:	DOB:	SSN:	Cell Phone: Pager:
CHAMPMAN	LISA		/ /		
Street #:	Street Name:	Apt:	City:	St:	Zip: Phone: Employee Phone:
13411	6TH AVE		CLEVELAND	OH	44112 216-421-6050
Hgt:	Wgt:	Hair:	Eyes:	Race:	Sex: Physical Marks:
Offenses: 2699 FRAUD (FREE TEXT)					
Resident Class:	Suspected of using:			Victim Type:	
	/	/			

Reviewing Supervisor:

Bureau Supervisor:

Officer:

**Streetsboro Police Department*****Property Involved with Incident***

Incident Number

**04-02502**

Item #:	Item	Property Tag #		
001	CREDIT CARD CHARGES			
Make:	Model:	Serial #:	Quanity: Unit Measure:	
			4.00	
Value:	Owner Applied Number:	Type:	UCR Property Code:	NCIC#
416.70		Counterfeited/for		
Notes:				

Reviewing Supervisor:

Bureau Supervisor:

Officer:

**Streetsboro Police Department**

Incident Number

Investigative Report 001 Title / Subject: credit card fraud

Page #: 1

**04-02502**

On June 30,2004 Tonya Traylor came to the Streetsboro Police Department to report someone using her bank/credit card without her permission.

Traylor stated she checked her Key Bank account, master card( 5449270911030937), on June 30,2004 and noticed it was overdrawn. When she checked the account, there were charges that she did not make. The first charge was on 06/25/04 to Splash Lagoon Resort in Erie P.A. The amount was for \$198.79. Traylor called the costumer service number, (814) 217-1111. They stated they are researching their records and they will contact Traylor when they have more information. The second charge was on 06/26/04 to Adelphia Oh. The amount was for \$40.00. Traylor called the costumer service number, (888) 683-1000. They told Traylor to go to an Adelphia office to find out what account the charge was posted to. At this point, Traylor called a Key Bank representative at 1-800-key-2-you. The representative advised Traylor to file a fraud report at a Key Bank. While Traylor was at the bank she noticed two more charges on her account. The first charge was on 06/28/04 to Direct Marketing cosmetic. The amount was for \$4.95. Traylor called the costumer service number, 888-415-4308. They reversed the charges and told Traylor that a Lisa Chapman made the purchase. The second charge was on 06/29/04 to Direct Marketing Brylane Home. The amount was for \$172.96. Traylor called the costumer service number, 800-528-5156. They stated Lisa Chapman made the purchase through Lane Bryant. com. They stated Chapman used a 44112 zip code.

Traylor stated she cancelled her card, 5449270911030937, on 06/30/04. Traylor will also be closing her bank account on 07/01/04.

On July 2,2004, Traylor called me to say Direct Marketing Brylane Home was going to reverse the charges. She also stated she was able to get in contact with a Patty Purchase, the reservation manager at Splash Lagoon, 8041 Peach St. Erie P.A. 16509. Purchase gave Traylor a phone number, (814) 868-9568, and told her to have the police call that number. I called Purchase at that number on July 2, 2004. Purchase is the manager for Splash Lagoon which is a part of Scott Enterprise. She stated that there was a reservation for 07/03/04 at the Econo Lodge, 8050 Peach St. Erie P.A. 16509, under the name of Tanielle Shurney. The Econo Lodge is also a part of Scott Enterprise. The reservation was made with Traylor's account number. She stated check in time was between 12pm and 4pm. I asked her to notify the State Police when Shurney came to check in. I called the State Police, (814) 898-1641, and spoke to Trooper Angelo. I advised him that a representative from Scott Enterprise might call him about a suspect checking into the Econo Lodge and if he could go and identify the suspect

On July 3,2004 at approximatley 2pm, I spoke with Trooper Gilson of The Penn. State Police. He stated the suspect was at the Econo Lodge. He needed the information on the victim, Tonya Traylor, sent to him. I had dispatch send a tele-type containing her information. On July 3,2004 at approximately 4pm., I spoke with Trooper Pirce of The Penn. State Police. He stated they had the suspect, Tanielle Shurney, in custody and were charging her with fraud and theft by deception. He also stated Shurney told the police that a friend, Tracy Smith, made the reservation. Trooper Pirce is going to fax their report to me with all their information. I received a copy of the Penn. State Police report on July 9, 2004, ( see attached report ). I spoke with Traylor and asked her if she knew a Tanielle Shurney. Traylor stated she did not know anyone by that name. Traylor did not know anyone by the name of Tracy Smith or Lisa Chapman either. No further action taken.

By: PTL JON M. HURLEY

Badge# 538

Date: 06/30/2004

Time: 2050

Reviewing Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

**Streetsboro Police Department****Incident Number****Investigative Report 002 Title / Subject: fraud****Page #:** 1**04-02502**

On 2/2/2005, Corporal Normandy from the Erie PA State Police spoke with me over the phone. The conversation was in regard to this report. He stated that Trooper Pierce was being investigated for the arrest of the suspect that went to the hotel to check in under the reservation. I am faxing a copy of this report to Corporal Normandy, at (814) 871-4782, on 2/2/2005.

**By:** PTL JON M. HURLEY**Badge#** 538**Date:** 02/02/2005**Time:** 2253**Reviewing Supervisor:** \_\_\_\_\_**Date:** \_\_\_\_\_

**Streetsboro Police Department**

Incident Number

Investigative Report 003 Title / Subject: Fraud

Page #: 1

**04-02502**

I received a message, on my voice mail at work, from a Jerry ( Gerald ) Huton on Monday 8/29/2005 at 1:18p.m. He stated he represents Scott Enterprises and Econo Lodge. He stated Ms Shurney is suing the P.A. State Police and Scott Enterprises for discrimination. He requested for me to call him and set up a time to give a deposition. His number is (412) 434-0201. I also received a letter from Huton's office requesting the same.

I also received a call from Jerry Bax on Tuesday, 8/30/2005 at 9:40 a.m. He stated he represents Scott Enterprise, Splash lagoon. He requested I call him to answer some questions he has about my involvement in the matter dealing with Ms Shurney. His number is (814) 459-0234.

I will be giving this information to Chad Murdock, the City Law Director.

By: PTL JON M. HURLEY

Badge# 538

Date: 09/02/2005

Time: 0602

Reviewing Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

**Streetsboro Police Department**

Incident Number

Investigative Report 004 Title / Subject: Fraud

Page #: 1

**04-02502**

I spoke with Chad Murdock and he advised me to contact Mr. Hutton and Mr. Bax. I spoke with Mr. Hutton on 9/08/2005 at 8:15 a.m. He stated he would contact me again if I was needed to give a deposition. I also spoke with Mr. Bax on 9/09/2005 at 8:45 a.m. He advised me of the same, that he would contact me if I was needed.

By: PTL JON M. HURLEY

Badge# 538

Date: 09/19/2005

Time: 0336

Reviewing Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

**Streetsboro Police Department**

Incident Number

Investigative Report 005 Title / Subject: fraud

Page #: 1

**04-02502**

I received a call from Gary Bax, Econolodge attorney, on 12-7-2005 at 10:51 a.m. He requested I contact him to set up a time for me to give a discovery deposition. The number he left for me to call was (814)459-0234. I called that number on 12-13-2005, at 8:00 a.m. and left a message stating I called and for Gary to call me back. I have not heard from Gary since the call on 12-7-2005.

By: PTL JON M. HURLEY

Badge# 538

Date: 12/20/2005

Time: 2117

Reviewing Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

**Streetsboro Police Department**

Incident Number

Investigative Report 006 Title / Subject: fraud

Page #: 1

**04-02502**

I received a call from Gary Bax on 12-23-2005 at 3:52p.m. He was requesting to come to the SPD to take my deposition on 12-29-2005. I returned his call and told him I would check with my supervisors. After checking with LT. Mosley and Chief Taiclet, I called Gary back and left a message stating the 29th would not work. I told him Monday through Friday after 1-7-2006 would be better. I have not yet confirmed a new date.

By: PTL JON M. HURLEY

Badge# 538

Date: 12/31/2005

Time: 0506

Reviewing Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

STREETSBORO POLICE DEPARTMENT  
STREETSBORO, OH 44241

CR 0402502	STATEMENT	INCIDENT Credit Card Fraud
---------------	-----------	-------------------------------

On 6/30/04 I checked my Key Bank acct on line as I do on most days. My acct was overdrawn & when I looked at the details there were two charges to my acct which I did not make. The charges were:

1) Splash Lagoon Resort Erie PA \$ 198.79

Phone number 814.217.1111 - They are researching their records & will call me back.

2) Adelphia OH \$ 40.00

Phone number 888-683-1000 - told me to go to an office & find out what acct it was posted to. I went to the bank to file a fraud report after speaking with a customer rep for Key 1800-key-2-you.

While at the bank, my account showed two additional charges which had not yet been posted to my acct.

They are as follows:

3) Direct Marketing - Cometreque \$ 4.95

Phone number 888-415-4308

They reversed the charge on my acct & told me a Lisa Chapman made the purchase. I do not know who she is.

4) Direct Marketing - Brylane Home \$ 172.96

Phone number 800-528-5156

I was told again that Lisa Chapman made the purchase through Lane Bryant.com & her zip →

STATEMENT MADE BY - NAME Tonya Taylor	DATE OF BIRTH 7-21-1967	SSN 279-72-1113	
ADDRESS 10039 Delores Dr Apt B	CITY Streetsboro	STATE OH	PHONE NUMBER 330-422-0141
WITNESSED BY S. S.	UNIT 5150	DATE 6/30/04	PAGE 1

code is 44112. They gave me a number to call their fraud dept. which I will call on 7/1/04.

I closed my debit card & will be reissued a new card & number. I plan to close my bank acct, but have not done so yet.

I was told to file a police report so that the bank could continue with their attempt to restore my hard earned money back to me.

**NOTICE – MIRANDA WARNING:** To anyone under arrest, detained for investigation, a suspect in a crime or being investigated as a suspect or possible suspect in a crime.

This statement is made of my own free will and accord, subsequent to the advisement of the following facts by the undersigned police officer. I understand that: 1. I have the right to remain silent. 2. Anything I say can/will be used against me in a court of law. 3. I have the right to talk to a lawyer before any questioning and have him present with me while I am being questioned. 4. If I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning if I wish. 5. I can decide at any time to exercise these rights and not answer any questions or make any statements.

Signed

Jonya J. Ray

Date 6/30/04

Time 8:40 PM Location  Streetsboro Police Dept.

Witness \_\_\_\_\_

0402502

# PENNSYLVANIA STATE POLICE

TROOP E, ERIE  
4320 IROQUOIS AVENUE  
ERIE, PA 16511  
(814) 898-1641



Fax: (814) 217-0059

## FAX TRANSMISSION COVER SHEET

Date: July 9, 2004

To: Officer HURLEY

From: Tpr. PIERCE

Re: ACCESS DEVICE FRAUD

Memo: This is the report regarding SHURNEY for the stolen credit card of Tracy TRAYLOR.

**YOU SHOULD RECEIVE 0.5 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (814) 871-4682, EXT. 217.**

CONFIDENTIALITY NOTE: The document(s) accompanying this facsimile transmission contain information that is confidential and privileged and is intended only for the use of the addressee designated above. If you are not the intended recipient, you are hereby notified that disclosure, copying, distribution or taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you receive this facsimile in error, please notify the Pennsylvania State Police and return the original message to our office by mail.



JUL. 9, 2004 1:30PM PSP ERIE TROOP E		REPORT TYPE <input checked="" type="checkbox"/> INITIAL <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> SUPPLEMENTAL		DATE(S)/DAY(S) OF INCIDENT		INCIDENT NO. E01-1097681			
PENNSYLVANIA STATE POLICE INCIDENT REPORT - PART II				TIME(S) OF INCIDENT		JUVENILE <input type="checkbox"/>	DOMESTIC VIOLENCE <input type="checkbox"/>		
ATTACHMENTS: <input type="checkbox"/> MISSING PERSON CHECKLIST <input type="checkbox"/> FELONY CRIMES AGAINST THE PERSON <input type="checkbox"/> VICTIM/WITNESS ASSISTANCE GUIDE RECEIPT <input type="checkbox"/> PROPERTY RECORD <input type="checkbox"/> OTHER				DISP.: <input checked="" type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED- DATE A <input type="checkbox"/> DEATH OF ACTOR D <input type="checkbox"/> VICTIM REFUSED TO COOPERATE B <input type="checkbox"/> PROSECUTION DECLINED E <input type="checkbox"/> JUVENILE/NO CUSTODY C <input type="checkbox"/> EXTRADITION DENIED N <input checked="" type="checkbox"/> NOT APPLICABLE F <input type="checkbox"/> MULTIPLE CLEAR-UP					
61. CRIMSTATION PAPSP2500/ERIE		62. DATE OF REPORT 07/05/04		63. OFFENSE THEFT BY DECEPTION					
64. <input checked="" type="checkbox"/> ACCUSED <input type="checkbox"/> SUSPECT	65. OFFENDER NO. 1 NAME Tahlia L. SHURNEY		66. ADDRESS 12626 Brackland Up, Cleveland, OH 44108						
67. HOME PHONE 216-323-6004		68. NICKNAMES/ALIAS		69. HEIGHT 504	70. WEIGHT 190	71. HAIR BLK	72. EYES BRO	73. MARITAL STATUS	
74. RACE/ETHY. B / N	75. SEX F	76. DOB 04/12/72	77. AGE 32	78. RES. STAT. N	79. OFF. CODE 110	80. TYPE ARREST S	81. DATE OF ARREST 07/03/04	82. ARMED WITH	83. CITATION- TRAFFIC CIT. NO. L199405-3
84. FINGERPRINTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	85. PHOTOGRAPHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	86. DISP. UNDER 18	87. VIC. NO. REL 01	88. SSN 277-72-6839	89. OLN RP839298	STATE OH			
90. BIRTHPLACE OHIO		91. EMPLOYER/SCHOOL				92. MISC. NO.			
64. <input type="checkbox"/> ACCUSED <input type="checkbox"/> SUSPECT	65. OFFENDER NO. 2 NAME		66. ADDRESS						
67. HOME PHONE		68. NICKNAMES/ALIAS		69. HEIGHT	70. WEIGHT	71. HAIR	72. EYES	73. MARITAL STATUS	
74. RACE/ETHY. /	75. SEX /	76. DOB /	77. AGE /	78. RES. STAT. /	79. OFF. CODE /	80. TYPE ARREST /	81. DATE OF ARREST /	82. ARMED WITH /	83. CITATION- TRAFFIC CIT. NO. /
84. FINGERPRINTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	85. PHOTOGRAPHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	86. DISP. UNDER 18	87. VIC. NO. REL	88. SSN	89. OLN	STATE			
90. BIRTHPLACE		91. EMPLOYER/SCHOOL				92. MISC. NO.			
93. NARRATIVE LATITUDE: 42 02:53.54 LONGITUDE: 80 04:47.83									
<p>This crime occurred as the accused used a stolen credit card, MasterCard #5449270911030937, to reserve a room at the Econo Lodge, Central Reservation # 411293, for the days of 07/03/04-07/04/04 at an amount of \$198.79. The accused then arrived at the hotel at 1357hrs on 07/03/04 and signed for the room at the expense of using the stolen credit card, which belongs to a Tonya Y TRAYLOR of 10039 Delores, Streetsboro, OH 44241, and used said MasterCard without the authorization of TRAYLOR.</p> <p><b>PHYSICAL EVIDENCE:</b> Documents from Splash Lagoon Reservation Center with SHURNEY'S name and Account# of the stolen MasterCard. Receipt signed by SHURNEY for acceptance of the room rate by payment by stolen MasterCard.</p> <p>On 07/03/04 at approx. 1400hrs, I interviewed in person, on scene, Guest Service Agent, Wendy Marie EMERY W/M/F, 21YRS (10/14/1982), of 483 Washington St., Conneaut, OH 44030, 440-265-5290. EMERY related to me that SHURNEY arrived at the Econo Lodge to stay in a room she had reserved for the dates of 07/03/04-07/04/04 under MasterCard Account# 5449270911030937. EMERY related that SHURNEY signed for the room using that MasterCard Account#, but did not have the MasterCard on her person. EMERY then related that she completed the transaction as normal, made a photo copy of SHURNEY'S driver's license and receipt of payment that was signed by SHURNEY.</p> <p>On 07/03/04 at 1421hrs, SHURNEY was placed under arrest and transported back to PSP Barracks Erie for processing.</p> <p>On 07/03/04 at 1500hrs SHURNEY was read her Miranda Rights and she waived her rights.</p> <p style="text-align: center;">(MORE)</p>									
94. OFFICER'S NAME/SIGNATURE Tpr Sean T. PIERCE <i>SPS</i>		BADGE NO. 8961		95. INVEST. REC'D. <input checked="" type="checkbox"/> CONT. <input type="checkbox"/> TERM.	96. SUPER. INVEST. BADGE NO.	97. <input type="checkbox"/> CONCUR <input type="checkbox"/> NONCONCUR	98. PAGE 02		
		STATION							

JUL 9, 2004 1:30PM		PSP ERIE TROOP E		REPORT TYPE		DATE(S)/DAY(S) OF INCIDENT		IN. NO.	
				<input checked="" type="checkbox"/> INCIDENT <input type="checkbox"/> OTHER				E01-1084336	
						TIME(S) OF INCIDENT		JUVENILE	DOMESTIC VIOLENCE
								<input type="checkbox"/>	<input type="checkbox"/>
ATTACHMENTS:		MISSING PERSON CHECKLIST		DISP.: <input checked="" type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED-DATE					
				A <input type="checkbox"/> DEATH OF ACTOR		D <input type="checkbox"/> VICTIM REFUSED TO COOPERATE			
				B <input type="checkbox"/> PROSECUTION DECLINED		E <input type="checkbox"/> JUVENILE/NO CUSTODY			
				C <input type="checkbox"/> EXTRADITION DENIED		N <input checked="" type="checkbox"/> NOT APPLICABLE		F <input type="checkbox"/> MULTIPLE CLEAR-UP	
1. ORIGINATOR		PAPSP2500/ERIE				2. DATE OF REPORT		07/05/04	
3. OFFENSE		THEFT BY DECEPTION		4. VICTIM		Econo Lodge			
5. NARRATIVE  On 07/03/04 at 1510hrs, I interviewed in person, at PSP Barracks, Tanielle L. SHURNEY B/N/F-32YRS (04/12/1972) of 12626 Brackland Up, Cleveland, OH 44108. SHURNEY related to me that she did not have the credit card on her, and that the reservations were made through a friend, Tracy SMITH of 2117 East 74 <sup>th</sup> St, Cleveland, OH 44106. SHURNEY then related to me that she did not attempt to call to confirm the reservations for the room, and that she just showed up on 07/03/04 at the Econo Lodge under the assumption that everything was taken care of.									
FS QIC:NEG FS MN: POS Criminal history has been destroyed.  This case is to remain open pending disposition.									
6. SIGNATURE		7. INVEST. REC'D.		8. SUPER. INIT/BADGE NO.		9. CONCUR		10. PAGE	
Officer's Name/Signature Tpr. Sean T. PIERCE		BADGE NO. 8961		7. INVEST. REC'D. <input checked="" type="checkbox"/> CONT. <input type="checkbox"/> TERM,		8. SUPER. INIT/BADGE NO.		9. CONCUR <input type="checkbox"/> NONCONCUR	
								10. PAGE 03	
STATION									

SP7-001 JUL. 9, 2004- 1:30PM PSP ERIE TROOP E		DATE(S)/DAY(S) OF INCIDENT 07/03/04 / Saturday		NO. 327 IN P. 5 NO. E01-1097681	
<b>PENNSYLVANIA STATE POLICE</b> <small>CONTINUATION SHEET <input type="checkbox"/></small> <small>SUPPLEMENTAL INVESTIGATION REPORT <input checked="" type="checkbox"/></small>		<input checked="" type="checkbox"/> INCIDENT <input type="checkbox"/> OTHER		<small>TIME(S) OF INCIDENT 1357 hours</small> <small>JUVENILE <input type="checkbox"/></small> <small>DOMESTIC VIOLENCE <input type="checkbox"/></small>	
<b>ATTACHMENTS:</b> <input type="checkbox"/> MISSING PERSON CHECKLIST <input type="checkbox"/> FELONY CRIMES AGAINST THE PERSON <input type="checkbox"/> VICTIM/WITNESS ASSISTANCE GUIDE RECEIPT <input type="checkbox"/> PROPERTY RECORD		<small>DISP.: <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED-</small> <small>A <input type="checkbox"/> DEATH OF ACTOR D <input type="checkbox"/> VICTIM REFUSED TO COOPERATE</small> <small>B <input type="checkbox"/> PROSECUTION DECLINED E <input type="checkbox"/> JUVENILE/NO CUSTODY</small> <small>C <input type="checkbox"/> EXTRADITION DENIED N <input checked="" type="checkbox"/> NOT APPLICABLE F <input type="checkbox"/> MULTIPLE CLEAR-UP</small>			
1. CRIMINATION PAPSP2600/ERIE				2. DATE OF REPORT 7/9/04	
3. OFFENSE				4. VICTIM	
5. NARRATIVE					
<p>On 07/03/04 I was assigned to transport Tanielle L. SHURNEY from PSP-Erie to her arraignment at District Court 06-3-02. She was arraigned by D. J. ABATE and committed to Erie Co. Jail in lieu of \$5,000.00 straight bail. She was then transported to Erie Co. Jail.</p> <p>I was accompanied by Tpr. ANGELO.</p> <p><i>[Handwritten signatures and initials are present in the narrative area, including "Tpr. Linda M. MARTON 8400" and "Linda M. Marton".]</i></p>					
6. OFFICER'S NAME/SIGNATURE/BADGE NO. Tpr. Linda M. MARTON 8400		7. INVEST. RECM. <input checked="" type="checkbox"/> CONT. <input type="checkbox"/> TERM.		8. SUPERV. INITI/BADGE NO.	
				9. <input type="checkbox"/> CONCUR <input type="checkbox"/> NONCONCUR	
				10. PAGE 34	
STATION					

# COMMUNITIES

From staff reports

## WOOSTER

### College chief to retire

College of Wooster President R. Stanton Hales, 63, announced Monday that he will retire in 2007, capping 17 years at the college, including 12 as its president. During his tenure, applications for admission increased 39 percent, the college's endowment grew from \$114 million to \$237 million, numerous construction and renovation projects were completed and new majors like biochemistry and molecular biology were introduced. Hales, who earned his doctorate in mathematics from Harvard University, plans to keep a busy schedule.



From staff reports

## LORAIN

### 2 men arrested in slaying

Lorain police have arrested two men in the killing of Edgardo Alicea, a convicted drug trafficker whose body was found three weeks ago near a railroad trestle in Lorain, said Lt. James Rohner. Jonathan Robles-Cruz, 21, was arrested Friday night at his mother's apartment and charged with aggravated murder. The same charge will be filed against Christopher Birriel-Torres, 19, who is in the Lorain County Jail on other charges, police said. Robles-Cruz and Birriel-Torres moved to the area less than six months ago from Puerto Rico. A man walking on a path near the Black River boat launch discovered Alicea's body on Jan. 9. Police found his car in a bar parking lot near where one of the accused men lives. Police would not disclose how Alicea, 26, was killed.

## LORAIN COUNTY

### Man held in gas station heist

The Lorain County Sheriff's Office arrested Warren Daniels, 36, of Lorain, after he clubbed and robbed a clerk at a gas station, police said. Lorain police said they connected Daniels to two other robberies in which he used a large flashlight or pipe to club the arms of convenience store clerks while they opened cash register drawers. Daniels robbed two stores last week in Lorain and a gas station in Sheffield Township, police said. In 1994, Daniels was sentenced to nine to 25 years in prison for robberies and felonious assault.

## COLUMBUS

### Prison compensation sought

Clarence Elkins, who was wrongfully convicted and imprisoned for six years for the death of his mother-in-law and rape of his niece, filed Monday for compensation in the Ohio Court of Claims. The action, filed against the state, is not likely to be contested since Attorney General Jim Petro endorsed the effort to free Elkins after DNA tests on evidence cleared the Stark County man. Elkins, 42, was convicted in 1999 and released Dec. 15. His compensa-

# Fight in Flats killed

Teen was contender as Glenville starter

GABRIEL BAIRD  
*Plain Dealer Reporter*

On the last day of Anthony Gordon's life, the 16-year-old boy went with his younger brother and a cousin to a barber to get haircuts.

Anthony, a Glenville High School student, came home with a fresh cut and primped for a Saturday night out with friends. But his great aunt Victoria Davis was apprehensive about him staying out late. She thought he should stay home.

"Oh auntie," he told her. "I'm all right."

His mother, 33-year-old Tanielle Shurney, assumed her middle son was going to another harmless teenage dance. Anthony went to Kaos nightclub in the Flats. Radio One DJs had hosted "Top Shelf Saturdays" at the club until earlier this month. Saturday night was a teen night.

Fights broke out after midnight and spilled into the streets. The brawls raged so out of control police called for backup from three districts. Police arrived as fistfights gave way to gunshots, leaving Anthony dead.

Police have no suspects in his slaying. Anyone with information is asked to call detectives at 216-623-5464.

Students cried in the halls Monday at Glenville High School, said Chaz Hughes, a 17-year-old senior. At the end of the day, he and several friends played basketball and regaled their former classmate's skills as a run-

ning back on the football team.

"Next year he would have started varsity," Chaz said.

These sentiments were echoed by Rob McQueen, 39, who coached Anthony for three years on the Glenville Titans, a Cleveland municipal football league team.

"Anthony was a kid who never griped about anything," McQueen said.

McQueen vowed to keep Anthony's memory alive by retiring his jersey number.

Anthony's family gathered Monday evening in East Cleveland, bringing food, prayers and their favorite memories of Anthony.

The close-knit family gathers weekly for Soul Food Sundays. Anthony's favorite foods were macaroni and cheese and hamburgers, Davis said.

But at these family gatherings, he was as concerned with music as he was with the grub.

"He would DJ," she said.

Davis said she didn't think the death would really sink in until today, when they plan to view his body at the funeral home.

*Family members have set up the Anthony Gordon Memorial Fund to help pay for the funeral. Donations can be made at any KeyBank branch. Plain Dealer researcher Cheryl Diamond contributed to this story.*

To reach this Plain Dealer reporter:  
gbaird@plaind.com, 216-999-4141

Anthony Gordon  
for Glenville  
was gunned down

# Peace activists stage 'spy-

Homeland Security cars bracket outdoor protest at federal building

BRIAN ALBRECHT  
*Plain Dealer Reporter*

The watched became the watchers Monday.

Trench coats and shades. The surreptitious passing of a mysterious black briefcase. Cameras and binoculars focusing on — none of your business.

Someone singing the refrain to "Secret Agent Man."

It was guerrilla theater staged outside the Celebreeze Federal Building about 7:30 a.m. by the Northeast Ohio Anti-War Coalition (NOAC).



UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
CIVIL NO. CA 05-196 Erie

6 TANIELLE SHURNEY )  
7 Plaintiff ) DEPOSITION  
8 VS. ) OF  
9 SCOTT'S ECONO INN, INC., ET AL. ) TONYA TRAYLOR  
10 Defendants )

12 DEPOSITION taken before me, Jodie L. Algarin, a  
13 Notary Public within and for the State of Ohio, on the  
14 11th Day of January, 2006, pursuant to Notice and  
15 Subpoena and at the time and place therein specified, to  
16 be used pursuant to the Rules of Civil Procedure or by  
17 agreement of counsel in the aforesaid cause of action,  
18 pending in the United States District Court for the  
19 Western District of Pennsylvania.

**COPY**

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1-800-964-3376

1 A I can't remember the date, but I have  
2 it on here. I called Splash Lagoon on June 30, same day.

3 Q And do you recall the time of day that  
4 you called Scott Splash Lagoon or not?

5 A No.

6 Q Was it during working hours or during  
7 daytime hours?

8 A I don't know.

9 Q Okay. What contact did you have with  
10 Splash Lagoon or the reservation center?

11 A I called Splash and I told them about  
12 the transaction, and they told me to call back on July 2  
13 and speak with Patty Purchase, the reservations manager.

14 Q Do you recall the name of the person  
15 that you spoke with on June 30?

16 A I do not.

17 Q Did you tell the persons on June 30 or  
18 the person on June 30 at Splash Lagoon resort that you  
19 had not authorized any reservation to be made using your  
20 debit card number?

21 A I don't remember. I don't -- that was  
22 my whole purpose of the call.

23 Q But you have no specific recollection?

24 A Huh-uh.

25 Q You have to say yes or no. You have no

1 specific recollection; is that correct?

2 A Yes.

3 Q Did you speak with one person or more  
4 than one person on June 30?

5 A I don't know.

6 Q Okay. Did you then call and speak with  
7 Patty Purchase on July 2, 2004?

8 A Yes.

9 Q You contacted her then; correct?

10 A Yes.

11 Q Okay. And what do you recall of that  
12 conversation?

13 A We talked about a lot of different  
14 things, but basically they were able to find the  
15 reservation under my name and said that the person was  
16 expected to arrive at the hotel on July 3.

17 Q Were you provided with the name  
18 Tanielle Shurney at that point in time?

19 A No.

20 Q Okay. Were you provided with any other  
21 name at that time?

22 A No.

23 Q Okay. And did you then have contact  
24 with Officer Jon Hurley of the Streetsboro Police  
25 Department?

1 A Yes. I called him -- you want me to  
2 expand?

3 Q Yes. Sure, please.

4 A I called him and just told him that I  
5 spoke with Splash Lagoon and the person was expected to  
6 show up on July 3. And he said he would follow up or do  
7 whatever police do.

8 Q Why did you contact Officer Hurley  
9 regarding this unauthorized use of your debit card?

10 A Well, first of all, because I wanted  
11 whoever it was to be busted. Like I was mad. I'm like  
12 they got a lot of nerve. So I was glad to know that they  
13 actually booked something and maybe they could get  
14 caught.

15 Q Was it your belief that your debit card  
16 number had been stolen and used improperly?

17 A Not the card stolen, the number stolen,  
18 yes.

19 Q Okay. And did you come to the  
20 Streetsboro Police Department on June 30 of 2004?

21 A Yes.

22 Q And did you meet with Officer Hurley?

23 A Yes.

24 Q Do you recall that there was a second  
25 officer there, an Officer Beaver? Do you recall that or

1 not?

2 A I don't recall.

3 Q You dealt with Officer Hurley?

4 A Yes.

5 Q Okay. And attached to an exhibit that  
6 we marked as Hurley Exhibit 2 we have a handwritten  
7 statement that's dated June 30 of 2004. Do you recognize  
8 that statement?

9 A Yes.

10 Q It's a two-page statement; is that  
11 correct?

12 A Yes.

13 Q Okay. Is that your handwriting?

14 A Yes.

15 Q In the block that says statement made  
16 by name Tonya Traylor, is that your name?

17 A Yes.

18 Q Okay. And is this a statement that you  
19 completed during your visit to the Streetsboro, Ohio,  
20 police department on June 30 of 2004?

21 A Yes.

22 Q In the statement you note four  
23 unauthorized purchases; is that correct?

24 A Yes.

25 Q The first is for Splash Lagoon Resort

1 in Erie, Pennsylvania, in the amount of \$198.79; is that  
2 correct?

3 A Yes.

4 Q The second unauthorized purchase was  
5 from Adelphia of Ohio for \$40; is that also correct?

6 A Yes.

7 Q The third unauthorized purchase that  
8 you had discovered was for Direct Marketing Cosmetic for  
9 4.95?

10 A Yes.

11 Q And the fourth unauthorized purchase  
12 was Direct Marketing -- what is that? Lane?

13 A Bry Lane.

14 Q Bry Lane?

15 A Bry Lane. These names are what  
16 literally showed up on my -- on the bank -- my bank  
17 account. It read exactly like that.

18 Q Okay. Now, under number -- under  
19 purchase No. 3 and under purchase No. 4, there is a Lisa  
20 Chapman that's noted there. You don't know Lisa Chapman?

21 A No.

22 Q And you never authorized Lisa Chapman  
23 to make those purchases; correct?

24 A Correct.

25 Q On the second page of your statement,

1 could you read the last paragraph just into the record?

2 Could you read it out loud?

3 A I closed my debit card and will be  
4 reissued a new card and number. Plan to close my bank  
5 account but have not done so yet. I was told to file a  
6 police report so that the bank could continue with their  
7 attempt to restore my hard earned money back to me.

8 Q Those are your words?

9 A Yeah.

10 Q Now, with regard to the phrase, I was  
11 told to file a police report, who told you that? Was  
12 that the --

13 A The bank.

14 Q Okay. And at the end of this on the  
15 second page, at the end of the two-page report there's  
16 also a signature, Tonya Traylor. Is that your signature  
17 also?

18 A Yes.

19 Q So you signed the first page and the  
20 second page?

21 A Yes.

22 Q Okay. And that also contains a date  
23 and a time. And does that -- is it fair to say that the  
24 date and time reflect the date and the time that you  
25 completed this handwritten statement, to the best of your

1 MR. BAX: Object to the form of the  
2 question. Mischaracterizes her answer.

3 Q Did the name Tanielle Shurney come up  
4 during the course of the conversation?

5 A I don't know.

6 Q Okay. Did you at that point in time  
7 indicate you wanted to cancel the reservation?

8 A Yes. Yes.

9 Q Okay. Now, did you have a conversation  
10 with Ms. Purchase as to how you were going to get your  
11 money back?

12 A Yes.

13 Q And what was that conversation?

14 A She said that she needed to contact  
15 their accounting department or whoever handles that part  
16 of it and she would follow up with me getting my money  
17 back.

18 Q And did she say she would be your  
19 contact person for purposes of this problem, to call me  
20 when you have a question?

21 MR. BAX: Object to the form of the  
22 question.

23 Q You can answer if you understand the  
24 question.

25 A I don't remember.

1 Q Okay. What was the next conversation  
2 that you had with Ms. Purchase after July 2?

3 A I don't remember dates, times, because  
4 I only -- I only remember actually what I wrote on this  
5 paper at this point. I can vaguely remember talking to  
6 her, but obviously I was trying to get -- because it took  
7 about a month before she actually -- it took a while for  
8 Splash Lagoon to reimburse me the money. So I know I  
9 spoke to her a couple times, but that's all I know.

10 Q Okay. So the money was actually taken  
11 out of your account on June 26 of 2004; is that correct?

12 A I noticed it on June 30.

13 Q Okay. And it says -- looking at your  
14 statement, the transaction date was June 26.

15 A Okay.

16 Q Is that correct?

17 A Yes.

18 MR. BAX: If you know.

19 A Yes.

20 Q You might as well --

21 A This is based on the bank records, not  
22 me saying it, yes.

23 Q That's fine. On Page 2 of your report,  
24 do you see that there?

25 A Yes.

1 Q Just has the three transaction dates?

2 A Yes.

3 Q June 27, July 1 and July 2?

4 A Yes.

5 Q Do you have any explanation as to why  
6 the Splash Lagoon transaction date of June 26 isn't  
7 included in Page 2?

8 A This is from the bank. I can  
9 speculate, but I don't know. It's just my opinion, but  
10 this came from the bank and I believe --

11 MR. BAX: I'm going to object to  
12 any answer that calls for her to speculate and move to  
13 strike her response.

14 Q Okay. Go ahead. You can answer.

15 A I can still answer?

16 Q Yes.

17 A I believe by the time this letter was  
18 sent to me on September 7, 2004, the issue with Splash  
19 Lagoon was already resolved because they had given me  
20 back my money and these other three weren't.

21 Q All right. Now, the Adelphia, which we  
22 all know to be a cable company, did you learn the  
23 person's name or account that was used to pay with your  
24 debit card number?

25 A No. They wouldn't share any